

Assembly Bill No. 2447

Passed the Assembly August 30, 2008

Chief Clerk of the Assembly

Passed the Senate August 22, 2008

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2008, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add Section 66474.02 to the Government Code, relating to subdivisions.

LEGISLATIVE COUNSEL'S DIGEST

AB 2447, Jones. Subdivision maps: denial of approval.

The Subdivision Map Act requires the legislative body of a city or county to deny approval of a tentative map, or a parcel map for which a tentative map was not required, if it makes certain findings.

This bill would require the legislative body of a county to deny approval of a tentative map, or a parcel map for which a tentative map was not required, if the proposed map is in a state responsibility area or a very high fire hazard severity zone unless the legislative body of the county makes specified findings supported by substantial evidence. The bill would authorize a county to make an exception to the above requirement under specified conditions. The bill would also authorize the Department of Forestry and Fire Protection to charge the subdivider a fee for the costs it incurs in completing the fire protection verification, and this revenue would be deposited into the Project Review Special Fund, which would be created by the bill, and upon appropriation by the Legislature, expended for completing the verifications.

The people of the State of California do enact as follows:

SECTION 1. Section 66474.02 is added to the Government Code, to read:

66474.02. (a) A legislative body of a county shall deny approval of a tentative map, or a parcel map for which a tentative map was not required, if the proposed map is in a state responsibility area or a very high fire hazard severity zone, as both are defined in subdivision (b) of Section 51177.

(b) Notwithstanding subdivision (a), a legislative body of a county may approve a tentative map, or a parcel map for which a tentative map was not required, if the legislative body of a county does all of the following:

(1) Makes a finding supported by substantial evidence in the record that the design and location of each lot in the subdivision and the subdivision as a whole would allow improvements, such as roads, turnarounds, defensible space, and emergency water systems, to be made consistent with any regulations adopted by the State Board of Forestry and Fire Protection pursuant to Sections 4290 and 4291 of the Public Resources Code, including, but not limited to, Subchapter 2 (commencing with Section 1270) of, and Subchapter 3 (commencing with Section 1280) of Chapter 7 of Division 1.5 of Title 14 of the California Code of Regulations, or with any regulations adopted by the county and certified by the State Board of Forestry and Fire Protection pursuant to Section 1270.03 of Title 14 of the California Code of Regulations.

(2) (A) Makes a finding based on substantial evidence in the record that sufficient structural fire protection and suppression services will be available for the subdivision through any of the following entities:

(i) A county, city, special district, or political subdivision of the state.

(ii) The Department of Forestry and Fire Protection by contract entered into pursuant to Section 4129, 4142, or 4144 of the Public Resources Code.

(B) A county shall notify each applicable fire protection agency and the department of any application for a subdivision and solicit their comments on the sufficiency of fire protection services for the proposed subdivision.

(3) (A) Makes a finding that there is adequate ingress and egress for the lots created by the subdivision, including a minimum of two access roads into and out of the subdivision for emergency equipment and evacuations.

(B) (i) Notwithstanding subparagraph (A), a county may approve a subdivision with a single access road if it makes a finding supported by substantial evidence in the record that it is not feasible to have a secondary access road due to topographic features or land ownership patterns and that redesign of the subdivision, including reduction in the number of proposed lots or reconfiguration of roads and lots in order to provide at least a secondary emergency access road is not possible. This exception may not be made for subdivisions that would create more than 30 lots.

(ii) If the Board of Forestry and Fire Protection adopts a regulation that would allow specific exceptions to subparagraph (A), a county may allow an exception to subparagraph (A) only if it is found that the exception is in conformance with the board's adopted regulation.

(c) (1) The Department of Forestry and Fire Protection may charge the subdivider a fee for each verification of sufficient fire protection completed by the department pursuant to subparagraph (B) of paragraph (2) of subdivision (b). The fee amount shall not exceed the department's costs incurred to complete the verification.

(2) The Department of Forestry and Fire Protection shall deposit all fee revenue collected pursuant to this subdivision in the Project Review Special Fund, which is hereby created in the State Treasury.

(3) The Department of Forestry and Fire Protection may expend the moneys deposited in the Project Review Special Fund, upon appropriation by the Legislature, to complete the verifications required by this section.

Approved _____, 2008

Governor